IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 3wwRD JULY 2007 / 12TH ASHADHA 1929

C.M.A.No. 87 of 2003()

AGAINST THE ORDER IN IA.173/2002 IN OS.179/2002 of SUB COURT, TIRUR

APPELLANT: PLAINTIFFS 1 TO 5

1. R.ESWARAN S/O. E.RAMASWAMI, AGED 56 YEARS, RESIDING AT "ESWAR NIVAS", THRIKKAVU, PONNANI.

2. R.SUBRAMANIAN S/O. E.RAMASWAMI, AGED 53 YEARS, RESIDING AT "ESWAR NIVAS", THRIKKAVU, PONNANI.

3. R.VENU, S/O. E.RAMASWAMI, AGED 51 YEARS RESIDING AT "ESWAR NIVAS", THRIKKAVU, PONNANI.

4. R.RAMACHANDRAN S/O. E.RAMASWAMI, AGED 50 YEARS, RESIDING AT "ESWAR NIVAS", THRIKKAVU, PONNANI.

5. R.BALAKRISHNAN S/O. E.RAMASWAMI, AGED 48 YEARS, RESIDING AT "ESWAR NIVAS", THRIKKAVU, PONNANI.

BY ADV. SRI.P.N.MAHESH

RESPONDENTS: DEFENDANTS 2 TO 5

1. K.GOVINDANKUTTY MENON, S/O. K.P. NARAYANA MENON, RESIDING AT THRIKAVU, PONNANI

2. O.V.NAMBIAR S/O. T.V.P. NAMBIAR, RESIDING ATR NO. 35, COLLEGE ROAD, NUNGAMPAKKAM, CHENNAI 600 006

3. M.ACHUTHA KUMAR S/O. DR. P.ACHUTHA MENON, PERUMPAYILHOUSE, KUTTIKAD ROAD, EZHOVANTHIRUTHY, PONNANI.

BY ADV. SRI.T.KRISHNAN UNNI

THIS CIVIL MISC. APPEAL HAVING BEEN FINALLY HEARD ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR , JJ

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C.M.A. No. 87 OF 2003

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Dated this the 3rd day of July, 2007.

JUDGMENT

Kurian Joseph, J

This is an appeal against the order dated 17.03.2003 in I.A. No. 173/2002 in O.S No. 179/2002 whereby application for temporary injunction was declined by the court. The suit is one filed for a decree for prohibitory injunction restraining the defendants 2 to 4 from selling the property of the 1st defendant-company till the general meeting of the share holders of the company was convened and the decision is taken to sell the property. During the pendency of the appeal, this Court in C.M.P. No. 2021/2003 passed order dated 10.04.2003 making it clear that the aggrieved parties can raise their objections before the general body and the general body will consider all the aspects of the matter. In view of the said order, we do not think that any further orders are required in this appeal except to observe that in case the suit itself has not been disposed of the same will be disposed of expeditiously. With the above observations, the appeal is disposed of.

KURIAN JOSEPH, JUDGE.

T.R. RAMACHANDRAN NAIR, JUDGE.

rv

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR,JJ.

C.M.A. NO. 87 of 2003

3rd day of July, 2007

JUDGMENT